

AMENDMENT TO RULES COMMITTEE PRINT 118-

10

OFFERED BY MR. SOTO OF FLORIDA

Page 1195. after line 24, insert the following:

1 **SEC. 35 ____ . VENEZUELAN REFUGEE IMMIGRATION FAIR-**

2 **NESS.**

3 (a) DEFINITIONS.—In this section:

4 (1) IN GENERAL.—Except as otherwise specifi-
5 cally provided, any term used in this section that is
6 used in the immigration laws shall have the meaning
7 given the term in the immigration laws.

8 (2) IMMIGRATION LAWS.—The term “immigra-
9 tion laws” has the meaning given the term in section
10 101(a)(17) of the Immigration and Nationality Act
11 (8 U.S.C. 1101(a)(17)).

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Homeland Security.

14 (b) ADJUSTMENT OF STATUS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (3), the Secretary shall adjust the status of
17 an alien described in subsection (c) to that of an
18 alien lawfully admitted for permanent residence if
19 the alien—

1 (A) applies for adjustment not later than
2 1 year after the date of the enactment of this
3 Act;

4 (B) is otherwise eligible to receive an im-
5 migrant visa; and

6 (C) subject to paragraph (2), is admissible
7 to the United States for permanent residence.

8 (2) APPLICABILITY OF GROUNDS OF INADMIS-
9 SIBILITY.—In determining the admissibility of an
10 alien under paragraph (1)(C), the grounds of inad-
11 missibility specified in paragraphs (4), (5), (6)(A),
12 and (7)(A) of section 212(a) of the Immigration and
13 Nationality Act (8 U.S.C. 1182(a)) shall not apply.

14 (3) EXCEPTIONS.—An alien shall not be eligible
15 for adjustment of status under this subsection if the
16 Secretary determines that the alien—

17 (A) has been convicted of any aggravated
18 felony;

19 (B) has been convicted of two or more
20 crimes involving moral turpitude (other than a
21 purely political offense); or

22 (C) has ordered, incited, assisted, or other-
23 wise participated in the persecution of any per-
24 son on account of race, religion, nationality,

1 membership in a particular social group, or po-
2 litical opinion.

3 (4) RELATIONSHIP OF APPLICATION TO CER-
4 TAIN ORDERS.—

5 (A) IN GENERAL.—An alien present in the
6 United States who has been subject to an order
7 of exclusion, deportation, removal, or voluntary
8 departure under any provision of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1101 et
10 seq.) may, notwithstanding such order, submit
11 an application for adjustment of status under
12 this subsection if the alien is otherwise eligible
13 for adjustment of status under paragraph (1).

14 (B) SEPARATE MOTION NOT REQUIRED.—
15 An alien described in subparagraph (A) shall
16 not be required, as a condition of submitting or
17 granting an application under this subsection,
18 to file a separate motion to reopen, reconsider,
19 or vacate an order described in subparagraph
20 (A).

21 (C) EFFECT OF DECISION BY SEC-
22 RETARY.—

23 (i) GRANT.—If the Secretary adjusts
24 the status of an alien pursuant to an appli-
25 cation under this subsection, the Secretary

1 shall cancel any order described in sub-
2 paragraph (A) to which the alien has been
3 subject.

4 (ii) DENIAL.—If the Secretary makes
5 a final decision to deny such application,
6 any such order shall be effective and en-
7 forceable to the same extent that such
8 order would be effective and enforceable if
9 the application had not been made.

10 (c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
11 TUS.—

12 (1) IN GENERAL.—The benefits provided under
13 subsection (b) shall apply to any alien who—

14 (A)(i) is a national of Venezuela;

15 (ii) entered the United States before
16 or on December 31, 2021; and

17 (iii) has been continuously physically
18 present in the United States for not less
19 than 1 year as of the date on which the
20 alien submits an application under such
21 subsection (b); or

22 (B) is the spouse, child, or unmarried son
23 or daughter of an alien described in subpara-
24 graph (A).

1 (2) DETERMINATION OF CONTINUOUS PHYS-
2 ICAL PRESENCE.—For purposes of establishing the
3 period of continuous physical presence referred to in
4 paragraph (1)(A)(ii), an alien shall not be consid-
5 ered to have failed to maintain continuous physical
6 presence based on one or more absences from the
7 United States for one or more periods amounting, in
8 the aggregate, to not more than 180 days.

9 (d) STAY OF REMOVAL.—

10 (1) IN GENERAL.—The Secretary shall promul-
11 gate regulations establishing procedures by which an
12 alien who is subject to a final order of deportation,
13 removal, or exclusion, may seek a stay of such order
14 based on the filing of an application under sub-
15 section (b).

16 (2) DURING CERTAIN PROCEEDINGS.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), notwithstanding any provi-
19 sion of the Immigration and Nationality Act (8
20 U.S.C. 1101 et seq.), the Secretary may not
21 order an alien to be removed from the United
22 States if the alien—

23 (i) is in exclusion, deportation, or re-
24 moval proceedings under any provision of
25 such section; and

1 (ii) has submitted an application for
2 adjustment of status under subsection (b).

3 (B) EXCEPTION.—The Secretary may
4 order an alien described in subparagraph (A) to
5 be removed from the United States if the Sec-
6 retary has made a final determination to deny
7 the application for adjustment of status under
8 subsection (b) of the alien.

9 (3) WORK AUTHORIZATION.—

10 (A) IN GENERAL.—The Secretary may—

11 (i) authorize an alien who has applied
12 for adjustment of status under subsection
13 (b) to engage in employment in the United
14 States during the period in which a deter-
15 mination on such application is pending;
16 and

17 (ii) provide such alien with an “em-
18 ployment authorized” endorsement or
19 other appropriate document signifying au-
20 thorization of employment.

21 (B) PENDING APPLICATIONS.—If an appli-
22 cation for adjustment of status under sub-
23 section (b) is pending for a period exceeding
24 180 days and has not been denied, the Sec-

1 retary shall authorize employment for the appli-
2 cable alien.

3 (e) RECORD OF PERMANENT RESIDENCE.—On the
4 approval of an application for adjustment of status under
5 subsection (b) of an alien, the Secretary shall establish
6 a record of admission for permanent residence for the
7 alien as of the date of the arrival of the alien in the United
8 States.

9 (f) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
10 The Secretary shall provide applicants for adjustment of
11 status under subsection (b) with the same right to, and
12 procedures for, administrative review as are provided to—

13 (1) applicants for adjustment of status under
14 section 245 of the Immigration and Nationality Act
15 (8 U.S.C. 1255); and

16 (2) aliens subject to removal proceedings under
17 section 240 of such Act (8 U.S.C. 1229a).

18 (g) LIMITATION ON JUDICIAL REVIEW.—

19 (1) IN GENERAL.—A determination by the Sec-
20 retary with respect to the adjustment of status of
21 any alien under this section is final and shall not be
22 subject to review by any court.

23 (2) RULE OF CONSTRUCTION.—Nothing in
24 paragraph (1) shall be construed to preclude the re-
25 view of a constitutional claim or a question of law

1 under section 704 of title 5, United States Code,
2 with respect to a denial of adjustment of status
3 under this section.

4 (h) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—
5 The Secretary of State shall not be required to reduce the
6 number of immigrant visas authorized to be issued under
7 any provision of the Immigration and Nationality Act (8
8 U.S.C. 1101 et seq.) to offset the adjustment of status
9 of an alien who has been lawfully admitted for permanent
10 residence pursuant to this section.

11 (i) APPLICATION OF IMMIGRATION AND NATION-
12 ALITY ACT PROVISIONS.—

13 (1) SAVINGS PROVISION.—Nothing in this sec-
14 tion may be construed to repeal, amend, alter, mod-
15 ify, effect, or restrict the powers, duties, function, or
16 authority of the Secretary in the administration and
17 enforcement of the Immigration and Nationality Act
18 (8 U.S.C. 1101 et seq.) or any other law relating to
19 immigration, nationality, or naturalization.

20 (2) EFFECT OF ELIGIBILITY FOR ADJUSTMENT
21 OF STATUS.—The eligibility of an alien to be law-
22 fully admitted for permanent residence under this
23 section shall not preclude the alien from seeking any

- 1 status under any other provision of law for which
- 2 the alien may otherwise be eligible.

